

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Tribal Welfare – Khammam District – Revision Petition filed Under Section 6 of A.P.S.A.L.T.R 1959, by Sri Budigam Veeraiah S/o China Nagaiah R/o Yanambailu (V) Paloncha (M), Khammam against the orders of the Agent to Government in CMA No.42/1999, dt:28-10-2001 – Dismissed- Orders-Issued.

SOCIAL WELFARE (LTR-2) DEPARTMENT

G.O.Ms.No: 222

Dated: 21-11-2008.

Read the following:

1. From Sri A. Rajashekar Reddy, counsel for the Petitioner in Revision Petition dt:18-12-2001.
2. Government Memo No.20376 /LTR-2/2001 dt:8-3-2002.
3. From the Hon'ble High Court of Andhra Pradesh in W.P No.416/2002, dt:04-01-2002.
4. From the Dist. Collector, Khammam in F2/CMA 42/1999 dt:24-7-2007.
5. Government Memo No.20376/LTR-2/2001, dt:20-8-2007, 3-9-2007 and 6-11-2007.

ORDER:

In the reference 1st read above Sri Budigam Veeraiah S/o China Nagaiah has filed a Revision Petition before the Government against the orders of the Agent to Government, Khammam in CMA No.42/1999 dt:28-10-2001 in respect of land admeasuring Acres 2.09 guntas in Sy.No150/23 situated at Yanambile (V) Paloncha (M) of Khammam District. The main grounds of the appellant in the Revision Petition among others are that :-

- a. His father China Nagaiah purchased 2 acres 9 guntas of land in sy. No.150/23 of Yanambile (V) on 15-8-1969 along with other lands for valuable consideration in the name of the petitioner along with other brothers Budigam Laxman Rao and Moram Savitri for a consideration of Rs.16,250/- and the petitioner's father was put into possession of the same on 15-10-1969 after paying entire sale consideration. Since then petitioner's father continued in possession and after his death, petitioner is in possession and paying land revenue.
 - b. LTR case was suomoto initiated by Special Deputy Collector (TW), Paloncha on the report of Special Deputy Tahasildar (TW), Paloncha dt:12-12-1994 which is after a period of 25 years from the date of purchase of the land by the petitioner i.e. 15-10-1969.
 - c. The appellate authority should have seen that the petitioner filed pahanies for the year 1969-70 to 1972-73 also Land Revenue receipts and without verifying the same simply came to the conclusion that they are not genuine which goes to show that the appellate authority did not apply its mind before deciding the case.
 - d. The transaction took place between non-tribals on 15-10-1969 which is much prior to regulation 1 of 1970 came into force and hence valid.
2. The case was initiated by the Special Deputy Collector (TW), Paloncha on the complaint of Special Deputy Tahasildar (TW), Paloncha against Sri. Budigam Veeraiah. Sri. Budigam Veeraiah had failed to produce relevant valid records to prove his possession in crucial period over the land in Sy. No.150/23 measuring Acres 2.09 guntas in Yanambailu (V) of Paloncha (M). The Special Deputy Collector (TW) held that Sri B. Veeraiah entered the suit land after the Andhra Pradesh Scheduled Areas Land Transfer Regulation 1/1959 read with Regulation 1/70 came into force i.e. 03-02-1970 which is void under law and ordered ejectment of the respondent Sri Budigam Veeraiah or whom ever is in possession of the immovable property and directed that the immovable property in question be taken possession by the Mandal Revenue Officer, under cover of panchanama and to assign the same to the landless poor tribals as per rules in force vide LTR case No:1305/4/PVC dt:25-7-1998. Aggrieved by the order of Special Deputy Collector (TW), Paloncha, Sri Budigam Veeraiah had filed an appeal before the Agent to Government, Khammam. The Agent to Government after considering the Lower Court records and grounds urged by the appellant concluded that :- (a). The sale agreement dt:15-8-1969 executed by Sri Puvvada Venkata Subba Rao on behalf of his minor daughter, pattedar of the present suit land for an extent of Acres 2.09 in Sy. No:150/23 in

favour of Budigam China Nagaiah i.e. father of appellant, was written on ordinary white paper and cannot be admitted as an evidence in the light of Judgement of the Hon'ble High Court of A.P in CRP No.1087/96, dt:10-8-1998 in Bangaru Rama Tulisamma Vs Yada Mastan Reddy that unstamped and unregistered sale agreements cannot be taken as an evidence of proof under section 17 B of Registration Act. (b). The L.R. Receipts said to be paid for the years 1969-70 to 1972-73 does not contain any official seal or attestation of any of authority from the concerned office. The land receipts are seemed to be obtained as loose sheets from Pauthi book ad did not contain face sheet and created one with malafide intention. Hence, they are not genuine and therefore not taken into consideration. (c). According to the pahanies of :-

Year	Pattedar	Cultivator	Remarks
1967-68	Puvvada Hemalatha Devi	Ranga buchaiah and Ranga Bhoomaiah	With different ink and hand writing
1968-69	-do-	Venkata Subbiah F/o Hemalatha Devi	
		B. Laxmaiah and B. Veeraiah	With different ink and hand writing
1970-71	Puvvada Hemalatha Devi, Jayasri, Swarnalatha and Susheela Rani	B. Laxman Rao and B. veeriah	With different ink and hand writing
1971-72	-do-	Puvvada Hemalatha Devi	
1972-73	-do-	Puvvada Hemalatha Devi, Jayasri, Swarnalatha and Susheela Rani	
1973-74	-do-	Kept blank	

(d). The name of the appellant is neither existing in pattedar's column nor in occupant's column of the pahani for the crucial period of LTR regulation 1/59 read with 1/70 came into force. The entries made in the pahanies are the subsequent development, which was shown with different ink and handwritings in occupant's column of the pahani against sy. No.150/23 situated in Yanambile (V) of Paloncha Mandal. It clearly indicates that it is a forgery and interpolation to misguide the court and (e) It is proved that the appellant is never in possession of the suit scheduled land before the commencement of Andhra Pradesh Scheduled Areas Land Transfer Regulation 1/59, read with Regulation 1/70 came into force and held that the transfer of the suit land was made in contravention of sub-section (1) of section (3) of Andhra Pradesh Scheduled Areas Land Transfer Regulation 1/59 read with Regulation 1/70. The Agent to Government finally in his proceedings in CMA No.42/99, dt:28-10-2001 upheld the orders passed by the Lower Court on 25-7-1998 in LTR case No.1305/94/PVC dt:25-7-1998. Aggrieved by the order of the Agent to Government, the petitioner filed this Revision Petition before the Government.

3. In the reference 2nd read above, the Agent to Government, Khammam was requested to furnish parawise remarks and case records and the same were furnished in the reference 4th read above. After examination of the case records notices were issued to the concerned to attend the hearing of the Revision Petition on 31-8-2007, 17-9-2007 and finally on 20-11-2007. The petitioner was absent and the Counsel for the petitioner was present and argued the case corroborating the grounds in the Revision Petition.

4. The Government after careful examination of the case records found that:
 - a. The pahani which is basic record of landed property clearly established that the petitioner is neither existing in pattedar column nor in occupant's column of the pahani for the crucial period of LTR Regulation 1/59 read with Regulation 1/70 came into force and the entries made were subsequent development with different ink and handwriting. The Land Revenue receipts are also found to be created with malafide intention to come up on record to defeat Land Transfer Regulation proceedings.
 - b. The Chapter III, Section 54 of Transfer of Property Act, 1882 defines that in case of tangible immovable property of the value of hundred rupees and upwards, or in

the case of a reversion or other tangible thing can be made only by a registered document. In the resent case, the total sale consideration is Rs.16,250/- and hence the transaction must be through a registered document.

- c. The sada agreement dated:15-10-1969 cannot be taken as an evidence in view of the above and also in the light of the Judgement of the Hon'ble High Court of A.P as explained above.
- d. The contention of the petitioner that the appellate authority did not verify genuineness of the pahani and Land Revenue receipts produced by him, is not correct. The Agent to Government, Khammam after thorough examination made elaborate discussion on verification of pahani for the years as mention above and also about receipts of Land Revenue and rightly arrived at conclusion.

5. Government after careful examination of the case records find no reason to interfere with the orders of the Agent to Government, Khammam in CMA No.42/1999 dt:28-10-2001 and accordingly dismiss the Revision Petition. . The stay granted in W.P No.26760/2001 dt:31-12-2001 by the High Court of A.P becomes inoperative.

6. The Collector, Khammam District / Agent to Government, Khammam are requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.K.TIGIDI,

Prl. Secretary to Government.

To

The Collector, Khammam District.

(With RPAD of the following Records)

CMA No:42/1999 containing 147 pages only.

The Agent to Government, Khammam District.

The Special Deputy Collector (TW), Paloncha, Khammam District.

Sri Budigam Veeraiah S/o China Nagaiah,

R/o Yanambailu (V) Paloncha (M), Khammam District.

Smt. Puvvada Hemalatha Devi D/o Venkata Subba Rao,

R/o Yanambailu (V) Paloncha (M), Khammam District.

Smt. Puvvada Jayasree D/o Venkata Subba Rao,

R/o Yanambailu (V) Paloncha (M), Khammam District.

Smt. Puvvada Swarna Latha D/o Venkata Subba Rao,

R/o Yanambailu (V) Paloncha (M), Khammam District.

Smt. Puvvada Susheela Rani D/o Venkata Subba Rao,

Yanambailu (V) Paloncha (M), Khammam District.

Sri A. Rajashekar Reddy, Advocate,

Plot No.105, Saraswathi Nagar, Saidabad, Hyderabad.

Copy to the P.S to M (TW&RAID).

SF / SC

// FORWARDED BY ORDER //

SECTION OFFICER